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ACTION OCS-06

INFO LOG-00 AMAD-01 CA-02 CIAE-00 OASY-00 DODE-00 EAP-01
FBIE-00 TEDE-00 INR-00 ADS-00 NSAE-00 SSO-00 SS-00
SA-01 DRL-09 /020W

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O 111051Z JUL 95

FM AMEMBASSY BEIJING

TO SECSTATE WASHDC IMMEDIATE 1454

INFO AMCONSUL SHENYANG

AMCONSUL SHANGHAI

AMCONSUL HONG KONG

AMCONSUL GUANGZHOU

AMCONSUL CHENGDU

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IN authority to
() CLASSIFY as () S or () C Sec.
() DOWNGRADE to () S or () C

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E.O. 12356: N/A

TAGS: CASC PREL, PHUM, CH, US

SUBJECT: DETENTION OF HARRY WU - CONSULAR ACCESS

ACHIEVED JULY 10

1. SUMMARY. CONSUL GENERAL IS GRANTED ACCESS AND VISITS HARRY WU IN WUHAN. HE APPEARS TO BE WELL AND NOT TO HAVE BEEN MALTREATED. NO DISCUSSION OF THE CIRCUMSTANCES OF HIS IMPRISONMENT OR THE JUDICIAL CASE AGAINST HIM IS PERMITTED DURING THE 30 MINUTE INTERVIEW. END SUMMARY.

2. AT 3:00 P.M. ON MONDAY, JULY 10, 1995 THE EMBASSY'S
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CONSUL GENERAL WAS ESCORTED BY OFFICIALS OF THE HUBEI PROVINCIAL GOVERNMENT FOREIGN AFFAIRS OFFICE TO A PRE-TRIAL DETENTION FACILITY OF THE PUBLIC SECURITY BUREAU TO VISIT PETER H. WU (AKA HARRY WU). THE LOCATION WAS IN A CLUSTER OF OFFICES SURROUNDED BY APARTMENT BUILDINGS

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NOT FAR FROM THE CENTRAL COMMERCIAL AREA OF THE HANKOU SECTION OF WUHAN CITY. ALTHOUGH UNPREPARED AND NOT RESEMBLING A STANDARD PENAL FACILITY, THE SITE WAS GUARDED BY RIFLE BEARING UNIFORMED POLICE. IT WAS NEVER MADE CLEAR WHETHER MR. WU WAS BEING HELD AT THE LOCATION OF THE INTERVIEW OR SOMEWHERE ELSE.

3. PRIOR TO VISITING THE PRISONER THE CONSUL GENERAL WAS WELCOMED BY THE DIRECTOR AND DEPUTY DIRECTOR OF THE JAIL AND AN INTERPRETER, ALL OF WHOM DECLINED TO OFFER NAME CARDS OR TO DO MORE THAN MUMBLE THEIR NAMES INCOMPREHENSIBLY. THEY WERE CORDIAL BUT FIRM IN EXPLAINING AT LENGTH THE RULES UNDER WHICH THE VISIT WOULD BE ALLOWED. IN ADDITION TO THOSE REGULATIONS SPECIFIED BY THE CONSULAR DEPARTMENT OF THE MFA ON JULY 8, THEY ADDED THE FOLLOWING: THE VISIT WOULD BE LIMITED TO 30 MINUTES. CONVERSATION COULD BE ONLY IN ENGLISH OR CHINESE AND NO DIALOGUE OF CONCEALED MEANING COULD BE EXCHANGED. THE STRICTURES ON THE DISCUSSION OF THE CASE AGAINST THE PRISONER WERE EMPHASIZED REPEATEDLY AND IT WAS MADE CLEAR ANY VIOLATION WOULD END THE INTERVIEW.

4. WE PASSED A PACKET OF BOOKS, NEWSPAPERS, AND WRITING PAPER TO THE OFFICIALS ALONG WITH THE LETTERS TO MR. WU FROM HIS WIFE, THE LIST OF ATTORNEYS, AND A COPY OF THE PRIVACY ACT WAIVER. THEY PROMISED TO GIVE THEM TO

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MR. WU AFTER INSPECTING THEM. THEY STATED THAT MR. WU WOULD NOT BE PERMITTED TO READ AND SIGN THE PRIVACY ACT WAIVER DURING THE INTERVIEW.

5. FINALLY WE WERE TAKEN ABOUT 50 YARDS DOWN A CORRIDOR TO THE INTERVIEW ROOM. WHEN WE ENTERED MR. WU AND A UNIFORMED GUARD WERE SITTING OPPOSITE THE ENTRANCE BEHIND A LARGE PLATE GLASS WINDOW. WE SAT IN FRONT OF THE WINDOW WITH THE INTERPRETER TO OUR LEFT AND THE DIRECTOR AND DEPUTY DIRECTOR BEHIND US. THE HUBEI FAO OFFICIALS WERE NOT PRESENT. CONVERSATION WAS BY TELEPHONE WITH MR. WU'S GUARD AND THE INTERPRETER LISTENING AT ALL TIMES.

6. MR. WU BEGAN BY SAYING THAT HE WAS "O.K." AND THANKING US FOR COMING. WE REPLIED BY INTRODUCING OURSELF AND ASKING FOR STANDARD ARREST CABLE INFORMATION. (NOTE: CONSULAR ARREST CABLE FOLLOWS SEPTTEL. END NOTE.) WE THEN ASKED MR. WU FOR MORE INFORMATION ABOUT HIS WELFARE. HE STATED THAT THE FOOD WAS "O.K." AND THAT HE WAS

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GETTING ENOUGH TO EAT. HE INDICATED THAT IN GENERAL HIS HEALTH WAS "O.K." AND THAT HE FELT SOME PUT WOULD LIKE TO HAVE MORE OF THE MEDICINE FOR HIS BACK AND HIS EYE. HE SAID THAT HE HAD BEEN SEEN BY A DOCTOR AND GIVEN MEDICINE BUT THAT IT WAS NOT AS EFFECTIVE AS HIS OWN PRESCRIPTIONS. HE WAS UNABLE TO RECALL WHAT SPECIFIC MEDICINES HE HAD BEEN TAKING BUT SAID THAT HIS WIFE WOULD KNOW. HE SAID HIS ONLY REAL COMPLAINT WAS THAT HE WAS NOT GETTING ENOUGH FRESH AIR. WHEN WE COMMENTED ON THE HEAT IN WUHAN HE REPLIED THAT HIS ACCOMMODATION WAS AIR CONDITIONED.

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7. WE ASKED SPECIFICALLY IF HE HAD BEEN MISTREATED IN ANY WAY SINCE BEING DETAINED. HE SAID THAT HE HAD NOT AND WENT ON TO COMMENT "THERE WAS NO TORTURE." HE SAID THAT HE LAST SAW HIS TRAVELLING COMPANION ON JUNE 24 AND THEN WAS TAKEN BY TRAIN AND PLANE TO WUHAN ARRIVING ON JUNE 29 OR 30. HE STATED THAT HE HAD REPEATEDLY REQUESTED CONTACT WITH THE AMERICAN EMBASSY OR THE NEAREST AMERICAN CONSULATE TO NO AVAIL. (NOTE: WE WILL PROTEST THIS OBVIOUS VIOLATION OF ARTICLE 35, PARAGRAPH 3 OF THE CONSULAR CONVENTION. END NOTE.)

8. WE TOLD HIM THAT WE HAD BROUGHT READING AND WRITING MATERIAL FOR HIM AND SPECIFICALLY A LETTER FROM HIS WIFE WHICH THE AUTHORITIES HAD PROMISED TO GIVE HIM. BECAUSE WE COULD NOT HAND HIM HIS WIFE'S LETTER, WE READ IT ALOUD TO HIM. HE BECAME SOMEWHAT EMOTIONAL AND ASKED US TO PASS A NUMBER OF PERSONAL MESSAGES TO HIS WIFE WHICH WILL BE SENT SEPTEL OR BY DIRECT TELEPHONE CALL. HE EMPHASIZED SEVERAL TIMES THAT HE DID NOT WANT HIS WIFE TO VISIT HIM

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AT THIS TIME. HE ASKED THAT HE BE REMEMBERED TO ASSISTANT
SECRETARY WINSTON LORD AND MRS. LORD, AND TO SENATORS
HELMS AND ROBB, AND TO MEMBERS OF CONGRESS SMITH, LANTOS,
AND PELOSI.

9. HE HOPED THAT ON OUR NEXT VISIT WE COULD BRING HIM
COPIES OF HIS FAVORITE NOVELS, "THE OLD MAN AND THE SEA"
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AND "MOBY DICK", CURRENT NEWSPAPERS, BOOKS ON CHINESE HISTORY AND INTERNATIONAL AND CHINESE LAW. HE ASKED ABOUT A LAWYER. WE INFORMED HIM OF THE LAWYERS LIST WE HAD GIVEN THE PRISON OFFICIALS AND POINTED OUT THAT ONLY A CHINESE LAWYER COULD ACT ON HIS BEHALF. MOREOVER WE INFORMED HIM THAT UNDER CHINESE LAW NO DEFENSE LAWYER, WHETHER CHOSEN BY THE DEFENDANT OR APPOINTED BY THE COURT, WOULD BE PERMITTED TO CONSULT WITH HIM UNTIL THE END OF THE PERIOD OF PRE-TRIAL INVESTIGATION WHICH BEGAN WITH HIS FORMAL ARREST ON JULY 8.

10. AFTER FURTHER CONVERSATION REGARDING HIS WIFE AND HIS FAMILY AND HIS PRIDE IN BEING AN AMERICAN CITIZEN THE INTERVIEW DREW TO A CLOSE. THE LAST THING MR. WU SAID, AFTER THANKING US AGAIN FOR OUR VISIT, WAS, "TELL MY WIFE I HAVE NO REGRETS."

11. COMMENT: THE CONDITIONS UNDER WHICH WE MET WITH MR. WU WERE, WITH THE EXCEPTION OF THE GLASS ROOM DIVIDER AND TELEPHONES, EXACTLY THOSE UNDER WHICH PRISON VISITS HAVE ALWAYS TAKEN PLACE IN THE EMBASSY'S EXPERIENCE. AS OFTEN AS WE VISIT SOME OF OUR LONG TERM PRISONERS, THE RULES OF ENGAGEMENT ARE ALWAYS READ TO US BEFORE WE ARE ALLOWED TO SEE THE PRISONER. THE RULES NEVER VARY. THEY ARE PRINTED IN CHINESE, HANDED TO US ON ARRIVAL, AND TAKEN BACK ONCE THEY HAVE BEEN READ ALOUD. REGARDLESS OF THE SEVERITY OF THE CHARGE CHINESE BILINGUAL OFFICIAL IS ALWAYS PRESENT.

12. IN THE CASE OF MR. WU, IT WAS OBVIOUS THAT THE AUTHORITIES WERE VERY NERVOUS ABOUT WHAT MIGHT BE SAID
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EVEN THOUGH WE TRIED TO PUT THEM AT EASE BY ACKNOWLEDGING OUR UNDERSTANDING OF THE RULES. ON AT LEAST THREE OR FOUR INSTANCES DURING THE INTERVIEW, THE INTERPRETER SEEMED TO THINK WE WERE GETTING TOO CLOSE TO FORBIDDEN TERRITORY AND SOUGHT TO INTERCEDE. ONLY BY MAKING IT CLEAR THAT WE WERE DISCUSSING CHINESE LEGAL PRACTICE IN GENERAL AND NOT MR. WU'S CASE IN PARTICULAR WERE WE ABLE TO ADDRESS THE MATTER OF LEGAL REPRESENTATION. IN ONE CASE WHERE WE WERE DISCUSSING A FAMILY MATTER WHICH THE INTERPRETER DID NOT UNDERSTAND HE THREATENED TO END THE VISIT WHICH WE AVOIDED BY QUICKLY CHANGING THE SUBJECT.

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13. FOLLOWING THE VISIT WE ASKED ABOUT THE FREQUENCY WITH WHICH WE MIGHT RETURN AND WERE TOLD THAT WE WERE ALWAYS WELCOME WITHIN THE CONDITIONS OF THE CONSULAR CONVENTION. WHEN WE ASKED IF MR. WU'S WIFE WOULD BE ALLOWED TO VISIT, DESPITE MR. WU'S STATED PREFERENCE FOR HER NOT TO, WE WERE TOLD THAT IT WOULD BE BETTER IF SHE DID NOT DURING THE PRE-TRIAL PERIOD. OTHER THAN THE ABOVE, THE LOCAL AUTHORITIES APPEARED TO GO OUT OF THEIR WAY TO ENSURE THAT THIS VISIT TOOK PLACE WITHOUT DIFFICULTIES.

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